



Smith W Hartley Jr
General Manager
Safety & Industrial
Hygiene Department

Texaco Inc

PO Box 1404
Houston TX 77251
1111 Bagby
Houston TX 77002
713 752 6354
Fax 713 752 4172

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Office of the Chief Counsel
Federal Highway Administration
Room 4232, HCC-10
400 Seventh St SW
Washington, D.C. 20590

FHWA-97-2180-38

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LEOS/REGS.DIV.

Re: FHWA Docket No. MC-92-4
49 CFR Part 397
Transportation of Hazardous Materials

To Whom It May Concern:

Texaco has reviewed the FHWA proposal to amend Part 397 of the Federal Motor Carrier Safety Regulations by adding a new Subpart B, Motor Carrier Safety Permits. We do not feel that the proposal will enhance the transportation of hazardous materials for the reasons outlined in the attachment.

Texaco appreciates the opportunity to submit these comments on this rulemaking and trust they will be considered.

Respectfully submitted,

JDW:pmt

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Attachment

FHWA DOCKET MC-92-4-40
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**FEDERAL HIGHWAY ADMINISTRATION
49 CFR PART 397
FEDERAL MOTOR CARRIER SAFETY REGULATIONS
TRANSPORTATION OF HAZARDOUS MATERIALS**

TEXACO INC. COMMENTS ON AMENDING PART 397, SUBPART B

Within the last several years, both the FHWA and RSPA have issued final rulemakings to enhance the safe transportation of hazardous materials. This proposal to amend Subpart B of the Part 397 and require further administrative controls is not supported for the following reasons:

- (1) The Federal Motor Carrier Safety Regulations, Parts 383, 387, and 390-399 are written specifically for the purpose of safety. Although the above proposed regulation deals with 49 CFR, Part 397, the remaining parts of the Federal Motor Carrier Safety Regulations are relative.

In Part 397.2, it states that "A motor carrier or other person to whom this part is applicable must comply with the rules in Parts 390 through 397, inclusive, of this subchapter when transporting hazardous materials by a motor vehicle which must be marked or placarded in accordance with Part 177.823 of this title. "

- (2) In Part 383.93 (a), it states that "In addition to taking and passing the knowledge and skills test described in Subpart G of this part, all persons who operate or expect to operate the type(s) of motor vehicles described in paragraph (b) of this section shall take and pass specialized tests to obtain each endorsement. The State shall issue CDL endorsements only to drivers who successfully complete the tests. "
- (3) HM-126F is designed to increase a hazmat employee's awareness of safety considerations involved in the loading, unloading, handling, storing, and transportation of hazardous materials, and improve emergency preparedness for transportation of hazardous materials.
- (4) RSPA in separate rulemaking last year required shippers and motor carriers of certain quantities of hazardous materials to file a registration statement with the Secretary of Transportation.

This proposed rule would cause a separate permit to be filed with the FHWA. Therefore, we feel that there are final rulemakings already in place to effectively manage this issue. Another administrative procedure will do little, if any, to further enhance the transportation of hazardous materials.